

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9<sup>th</sup> DAY JUNE OF 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	John A. Muffo	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
ABSENT:	Larry N. Rush	-Chair
	James D. Politis	-Supervisor

### **CALL TO ORDER AND THE PLEDGE OF ALLEGIANCE**

The Vice-Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC ADDRESS**

Bill Richardson addressed the Board about his concerns with the proposed sale of land owned by the Town of Blacksburg. Mr. Richardson stated that the Town of Blacksburg has indicated they are proposing to sell the Ellett Valley Park and the Ellett Springs Property which parallels Cedar Run. He believes these properties should remain in a natural park state and urged the Board to consider purchasing these properties to keep them from being developed.

### **CONSENT AGENDA**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated June 9, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
C.P. Shorter		Larry N. Rush
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

### **Virginia Municipal League (VML)/Virginia Association of Counties (VACO) - APCO**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes payment of \$6,491 to VML/VACo AEP Steering Committee for Montgomery County's share of negotiations expenses with American Electric Power for electrical rates.

BE IT FURTHER RESOLVED, That the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

100	Board of Supervisors	\$6,491
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203 Undesignated Fund Balance	\$6,491

Said resolution appropriates the County's share for expenses incurred by VML/VACo AEP Steering Committee with negotiations with American Electric Power for electrical rates.

### **Sheriff - Wireless E-911**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

321	Sheriff's Grants - Wireless E-911	\$137,712
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

23225 424401	State Grants	\$137,712
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Said resolution appropriates state Wireless 911 Public Safety Answering Point (PSAP) funds.

**School Operating Fund- Additional Appropriation**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$464,263

The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

09 424272	Alternative Education	\$ 91,548
09 430226	Title II Federal Funds	270,000
09 433207	Gaps – Carol White PE Grant	<u>102,715</u>
	Total	\$464,263

Said resolution appropriates additional funds from a Gaps Carol White Physical Education grant, Alternative Education, and Title II Funds.

**Virginia Tech Farm and Family Showcase**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

910 Other Agencies	\$1,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance	\$1,500
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Said resolution appropriates funds to support the Third Annual Virginia Tech Farm and Family Showcase sponsored by Virginia Tech.

**Clerk of Circuit Court - Grant Appropriation**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

251 Grants-Record Preservation Grant	\$16,008
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

424401 Circuit Court Record Grant	\$16,008
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Said resolution appropriates grant funds received from the Library of Virginia Circuit Court Records Preservation Grant.

**Extension Office - Appropriation**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the

General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

910	Outside Agencies	\$18,015
	Local Extension Services	

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$18,015
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Said resolution appropriates funds received from Floyd and Pulaski Counties to cover the costs of the part-time extension agents.

**Board of Supervisors Meeting-Change of Meeting Date**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules the first meeting in August on **Wednesday, August 13, 2003 at 7:15. p.m.**

**License Agreement with the Commonwealth of Virginia Base Mapping Program Orthophotographic Data**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby agrees to the License Agreement with the Commonwealth of Virginia for the County's use of the Virginia Base Mapping Program Orthophotographic Data.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes Jeffrey D. Johnson, County Administrator, to execute the said License Agreement with the Commonwealth of Virginia on behalf of the Montgomery County Board of Supervisors.

**OLD BUSINESS**

**Special Use Permit - Betty Estes**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Betty Estes request for a Special Use Permit on a 0.683 acre tract, with possible conditions, in Agriculture (A-1) to allow an accessory building in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1400 sq. ft in area.
  2. The height of the structure shall not exceed 24 ft.
  3. The proposed structure shall match the architectural style of the existing home on the property.
- The property is located at 701 Graves Avenue and is identified as Tax Parcel No. 41-A-71 (Account ID #06184) in the Prices Fork Magisterial District. The property lies in an area designated as a Rural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

**Special Use Permit - Robert L. Haley & Sandra H. Dolinger (Agent: Joan and Tom Elmore)**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Robert L. Haley & Sandra H. Dolinger (Agent: Joan & Tom Elmore) request for a Special Use Permit on a 10.0 acre tract, with possible conditions, in Agriculture (A-1) to allow a country inn is hereby approved subject to the following conditions:

1. Guest rooms shall be limited to no more than twenty (20) for this facility.
2. The restaurant seating capacity shall be limited to twenty (20) seats.
3. Property shall be served by public water.

4. No off-premise catering shall be permitted.
5. A minimum fifteen (15) foot undisturbed vegetative buffer shall remain around the entire perimeter of the site except for those areas necessary for access road and utilities. Any existing trees that are removed within the fifteen (15) foot buffer shall be replanted according to a plan submitted to and approved by the Zoning Administrator.

The property is located on the west side of Mabry Lane at the Warm Hearth Drive intersection and is identified as Tax Parcel No. 67-A-2 (Account ID #007798) in the Prices Fork Magisterial District. The property lies in an area designated as Urban Expansion Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins	James D. Politis
John A. Muffo			Larry N. Rush
Mary W. Biggs			
C.P. Shorter			

Supervisor Perkins stated for the record that she abstained due to her husband having a financial interest in the above request.

#### **Rezoning Request - Jason Underwood**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

**ORDINANCE 2003 - 0**  
**An Ordinance Amending the Zoning**  
**Classification of 0.667 acres**  
**from Agriculture (A-1) to Residential (R3)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.667 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Residential (R3).

This action was commenced upon the application of Jason Underwood.

The property is at 3814 Truman Avenue and is identified as Tax Parcel Nos. 90-1B-12C (Acct ID # 020226) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
Mary W. Biggs		
C.P. Shorter		
Annette S. Perkins		

**Rezoning Request - Jerry, Gary, & David Carter**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

**ORDINANCE 2003 -06**  
**An Ordinance Amending the Zoning**  
**Classification of 0.63 acres from**  
**Community Business (CB) to Agriculture (A-1)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.63 acres of land is hereby amended and rezoned from the zoning classification of Community Business (CB) to Agriculture (A-1).

This action was commenced upon the application of Jerry, Gary, and David Carter.

The property is located at 3766 Old Creek Road, and is identified as Tax Parcel No. 38-A-81 (Acct ID # 028961) in the Prices Fork Magisterial District. The property currently lies in an area designated as Conservation/Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		Larry N. Rush
Gary D. Creed		
C.P. Shorter		
Annette S. Perkins		

**Special Use Permit - Jerry, Gary, & David Carter**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Jerry, Gary, and David Carter request for a Special Use Permit, with possible conditions, on 0.91 acre in Agriculture (A-1) to allow a contractor's storage yard is hereby approved subject to the following conditions:

1. The contractor's storage yard shall not be open to the public.
2. Equipment stored on the property shall be in good working condition and owned by the property owner.
3. Repair work shall only be conducted on vehicles owned by the property owner.
4. There shall be no storage of fuel on site.
5. Any lighting installed on site shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties.
6. Property owner shall comply with all other applicable federal, state, and local ordinances.
7. Hours of operation shall be limited to 7am-8pm Monday thru Saturday. No operations shall take place on Sunday.
8. A privacy fence shall be installed along the common Graham property line from the road to the garage. The fence shall be a minimum of five (5) feet in height.

The property is located at 3766 Old Creek Road, and is identified as Tax Parcel No. 38-A-81 (Acct ID # 028961) in the Prices Fork Magisterial District. The property currently lies in an area

designated as Conservation/Rural in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Gary D. Creed		Larry N. Rush
John A. Muffo		
C.P. Shorter		
Annette S. Perkins		

**An Ordinance Amending Chapter 10, Entitled Zoning, Section 10-2 - TABLED**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Ordinance Amending Chapter 10, Entitled Zoning, Section 10-2 of the Code of the County of Montgomery Exempting Certain Farm Buildings and Structures not used for Residential Purposes from the Application of Zoning Ordinance is hereby **TABLED** to the Board of Supervisors June 23, 2003 meeting in order to allow the Board additional time to review the proposed amendments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Mary W. Biggs		
Annette S. Perkins		

**An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-21(4), 10-22(4), 10-23(4), 10-24(4), 10-25(4), 10-26(4), 10-27(4), 10-54 and 10-55 - TABLED**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-21(4), 10-22(4), 10-23(4), 10-24(4), 10-25(4), 10-26(4), 10-27(4), 10-54 and 10-55 of the Code of the County of Montgomery Allowing the

Montgomery County Board of Zoning Appeals to Grant Certain Special Use Permits is hereby **TABLED** to the Board of Supervisors June 23, 2003 meeting in order to allow the Board additional time to review the proposed amendments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Mary W. Biggs		
Annette S. Perkins		

**An Ordinance Amending Chapter 10, Entitled Zoning Sections 10-28(5), 10-29(5), 10-30(5), 10-31(5), 10-33(5), 10-34(5), and 10-35(5)**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

**2003-07**  
**An Ordinance Amending Chapter 10, Entitled Zoning,**  
**Sections 10-28(5), 10-29(5), 10-30(5), 10-31(5),**  
**10-33(5), 10-34(5), and 10-35(5) of**  
**the Code of the County of Montgomery**  
**Establishing a Maximum Coverage of Impervious Surface**  
**in GB, CB, M-1,M-L, PIN, PUD-COM, and PUD-RES**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Sections 10-28(5), 10-29(5), 10-30(5), 10-31(5), 10-33(5), 10-34(5), and 10-35(5) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-28 GB General Business**

- (5) Lot requirements.
- (a) Minimum lot area. Twenty thousand (20,000) square feet for lots sharing access with another lot, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (b) Lot access. Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional

engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for GB uses shall avoid impacting residential subdivisions with primary access and through traffic.

- (c) Minimum width. Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (d) Maximum floor area ratio. 0.40.
- (e) Maximum coverage by buildings. Forty (40) percent.
- (f) The total impervious surface located on a lot shall not exceed eighty-five (85) percent of the gross site area.

#### **Sec. 10-29 Community Business**

- (5) Lot requirements.
  - (a) Minimum lot area. Twenty thousand (20,000) square feet for lots sharing access with another lot and connected to public water or sewer, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
  - (b) Lot access. Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for CB uses shall avoid impacting residential subdivisions with primary access and through traffic.
  - (c) Minimum width. Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
  - (d) Maximum floor area ratio. 0.40.
  - (e) Maximum coverage by buildings. Forty (40) percent.
  - (f) The total impervious surface located on a lot shall not exceed seventy-five (75) percent of the gross site area.

#### **Sec. 10-30 M-1 Manufacturing**

- (5) Lot requirements.
- (a) Minimum lot area. Three (3) acres except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (b) Lot access. Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for M-1 uses shall avoid impacting residential subdivisions with primary access and through traffic.
- (c) Minimum width. Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (d) Maximum coverage by buildings. Seventy (70) percent.
- (e) The total impervious surface located on a lot shall not exceed eighty-five (85) percent of the gross site area.

**Sec. 10-31 M-L Manufacturing-Light**

- (5) Lot requirements.
- (a) Minimum lot area. One (1) acre for lots sharing access with another lot, two (2) acres otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (b) Lot access. Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access drives or roads shall be a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for M-L uses shall avoid impacting residential subdivisions with primary access and through traffic.
- (c) Minimum width. Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations shall be in accordance with the Montgomery County Subdivision Ordinance.
- (d) Maximum floor area ratio. 0.40.
- (e) Maximum coverage by buildings. Fifty (50) percent.

- (f) The total impervious surface located on a lot shall not exceed eighty (80) percent of the gross site area.

**Sec. 10-33 PIN Planned Industrial**

- (5) Lot requirements.
- (a) Minimum lot area. One (1) acre except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (b) Lot access. Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access shall avoid impact on residential subdivisions from primary access and through traffic.
- (c) Maximum coverage by buildings. Fifty (50) percent.
- (d) Minimum width. One hundred (100) feet. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- (e) The total impervious surface located on a lot shall not exceed seventy-five (75) percent of the gross site area.

**Sec. 10-34 PUD-COM Planned Unit Development - Commercial District**

- (5) Lot requirements.
- (a) Minimum lot area, density.
1. Lot area shall be determined by designation of one (1) or more base district (article II) designations from the GB or an R district on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and landscaping/open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.
  2. Density on nonresidential portions of the project shall be a maximum of 0.40 floor area ratio in urban expansion areas and 0.25 floor area ratio in rural expansion areas. Density on residential portions of the project shall not exceed six (6) dwelling units per net acre in urban expansion areas and two (2) dwelling units per acre in rural expansion areas. No

variations may be permitted.

- (b) Lot access. Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. For additional standards see subsection (7).
- (c) Maximum coverage by buildings. Seventy (70) percent.
- (d) Minimum width. Width shall be determined by designation of a base district designation from the GB or an R district on each land bay in the approved concept development plan.
- (e) The maximum coverage of impervious surface on a lot shall be determined as part of the approved concept development plan.

#### **Sec. 10-35 PUD-RES Planned Unit Development-Residential District**

- (5) Lot requirements.
  - (a) Minimum lot area, density.
    - 1. Lot area shall be determined by designation of one (1) or more base district (article II) designations on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.
    - 2. Density shall be a maximum of four (4) dwelling units per net residential acre in urban expansion areas and two (2) dwelling units per net residential acre in rural expansion areas. No variations are permitted.
  - (b) Lot access. Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshall. For additional standards see subsection (7).
  - (c) Maximum coverage by buildings. Twenty (20) percent.
  - (d) Minimum width. Minimum width shall be determined by designation of a base district designation on each land bay in the approved concept development plan.

- (e) The maximum coverage of impervious surface on a lot shall be determined as part of the approved concept development plan.

ADOPTED, by the Board of Supervisors of the County of Montgomery, Virginia, this 9<sup>th</sup>, day of June, 2003.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
C.P. Shorter		Larry N. Rush
Mary W. Biggs		
Gary D. Creed		
Annette S. Perkins		

**An Ordinance Amending Chapter 10 Entitled Zoning, Sections 10-21(5) and 10-22 (5)**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

**2003-08**  
**An Ordinance Amending Chapter 10, Entitled Zoning,**  
**Sections 10-21(5) and 10-22 (5)**  
**of the Code of the County of Montgomery,**  
**by Clarifying the Density Requirements**  
**in the A-1 Agricultural and C-1 Conservation Districts.**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Sections 10-21(5) and 10-22(5) of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

- (5) Lot requirements.
- (a) Minimum lot area. One (1.0) acre.
- (b) Density. In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the A-1 district shall be in accord with the following sliding scale:

Parent Parcel Area	Total Lots Permitted on Parent Parcel
<u>less than 1.0 acre</u>	<u>0 lots</u>
<u>less than 2.0 acres</u>	<u>1 lot</u>
<u>less than 3.0 acres</u>	<u>2 lots</u>
<del>0-0</del> <u>3.0 acres</u> to 10.0 acres	Up to 3 lots
More than 10.0 acres up to 30.0 acres	Up to 4 lots
More than 30.0 acres up to 50.0 acres	Up to 5 lots
More than 50.0 acres up to 70.0 acres	Up to 6 lots
More than 70.0 acres up to 90.0 acres	Up to 7 lots
More than 90.0 acres up to 110.0 acres	Up to 8 lots
More than 110.0 acres up to 130.0 acres	Up to 9 lots
More than 130.0 Acres	One (1) additional lot for every 20 acres over 130 acres

All lots in the A-1 district are subject to the above sliding scale and all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted; except for green space (open space) lots and conservation easements, public utility, telecommunications towers or public water or sewer installation lots or similar which are not for habitation and which may be a minimum of ten thousand (10,000) square feet. Moreover, the board of supervisors may authorize the issuance of a special use permit for more lots than the total permitted by the sliding scale in situations where a family subdivision conflicts with the sliding scale.

(c) Clustering of permitted lots between parent parcels. A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection (5) are met.

(d) Lot access. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements with one exception. Under the exception, one lot divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.

(e) Maximum coverage. No more than twenty (20) percent of any lot shall be covered by buildings or other impervious surfaces unless approved by special use permit but shall not exceed twenty-five (25) percent.

(f) Minimum width. One hundred twenty (120) feet at the minimum setback line of the front yard. Frontage requirements for family subdivisions and public utility or public water or sewer installation lots shall be in accord with the Montgomery County Subdivision Ordinance.

(g) Maximum length/width ratio. Five to one (5:1) for any lot less than twenty (20) acres in area.

## **Sec. 10-22**

(5) Lot requirements.

(a) Minimum lot area. Two and one-half (2.5) acres.

(b) Density. In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the C-1 district shall be in accord with the following sliding scale:

Parent Parcel Area	Total Lots Permitted on Parent Parcel
<u>less than 2.5 acres</u>	<u>0 lots</u>
<u>less than 5.0 acres</u>	<u>1 lot</u>
<u>less than 7.5 acres</u>	<u>up to 2 lots</u>
<u>7.5 acres up to 10.0 acres</u>	Up to 3 lots
More than 10.0 acres	One (1) additional lot for every additional 30 acres over first 10 acres

All lots in the C-1 district are subject to all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted.

(c) Lot access. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator; except that up to three (3) lots divided from any parent parcel may be served by a private access easement at least forty (40)

feet in width.

- (d) Minimum width. One hundred twenty (120) feet at the setback line of the front yard.
- (e) Maximum length/width ratio. Five to one (5:1) for any lot of less than twenty (20) acres.

ADOPTED, By the Board of Supervisors of the County of Montgomery, Virginia, this 9<sup>th</sup>, day of June, 2003.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Mary W. Biggs		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

**An Ordinance Amending Chapter 10, Entitled Zoning, Section 10-22(3) - TABLED**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Ordinance Amending Chapter 10, Entitled Zoning, Section 10-22(3) of the Code of the County of Montgomery by Deleting Roadside Stand Operated by Farm Owner or Operator and by Adding Farm Enterprise, Sawmill, Temporary to Uses Permitted by Right in C-1 Conservation District is hereby **TABLED** to the Board of Supervisors June 23, 2003 meeting in order to allow the Board additional time to review the proposed amendments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	John A. Muffo	James D. Politis
Gary D. Creed		Larry N. Rush
C.P. Shorter		
Annette S. Perkins		

**An Ordinance Amending Chapter 10, Entitled Zoning, Section 10-37**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

**2003-09**  
**An Ordinance Amending Chapter 10, Entitled Zoning,**  
**Section 10-37 of**  
**the Code of the County of Montgomery**  
**by Changing When Repairs, Restoration**  
**and/or Maintenance May Be Made to Structures**  
**Within The Flood Way.**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, Section 10-37 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

**Sec. 10-37. Flood damage prevention overlay.**

(1) Purpose. These provisions are created to regulate and restrict land use in areas which are subject to severe periodic inundation, in such a manner as to: (1) prevent the loss of life and property, (2) comply with federal and state laws and regulations that address the need for floodplain management and regulation, (3) qualify Montgomery County residents for the insurance and subsidies provided by the National Flood Insurance Program, (4) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on water resources, (5) reduce the disruption of commerce and governmental services, (6) reduce the extraordinary and unnecessary expenditure of public funds for flood protection, rescue and relief, and (7) minimize the impairment of the tax base by:

- (a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- (b) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;
- (c) Requiring all those uses, activities and developments that do occur in flood prone districts to be protected and/or floodproofed against flooding and flood damage;
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

- (2) Authority. Authority for these provisions includes:
  - (a) Flood Damage Reduction Act, Code of Virginia, section 62.1-44.108 et seq.
  - (b) Planning, Subdivision of Land and Zoning, Code of Virginia, Title 15.2, Chapter
  - (c) Soil Conservation Districts Law, Code of Virginia, subsections 21-2(c) and (d).
  - (d) Virginia Environmental Quality Act, Code of Virginia, section 10-178.
  - (e) Erosion and Sediment Control Act, Code of Virginia, section 21-89.2.
  - (f) National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.
- (3) Compliance and liability.
  - (a) No land shall hereafter be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
  - (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
  - (c) This article shall not create liability on the part of Montgomery County or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.
- (4) Qualifying/regulated lands.
  - (a) These provisions shall apply to all lands within the jurisdiction of Montgomery County and identified as being in the one hundred-year floodplain by FEMA (Federal Emergency Management Administration), Federal Insurance Administration.
  - (b) The boundaries of the floodplain districts are established as shown on the flood boundary

and floodway map which is declared to be a part of this article and of the official zoning map and which shall be kept on file at the county offices.

- (c) Basis of districts. The basis for the delineation of districts shall be the Flood Insurance Study for Montgomery County, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated April, 1978, as amended.
  - (d) The Floodway District is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 2 of the above-referenced flood insurance study and shown on the accompanying flood boundary and floodway map or flood insurance rate map.
  - (e) The Flood-Fringe District shall be that area of the one hundred-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the one hundred-year flood elevations contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying flood boundary and floodway map or flood insurance rate map.
  - (f) The Approximated Floodplain District shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where a one hundred-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, one hundred-year flood elevations and floodway information from other federal, state, or other acceptable source shall be used, when available. When such other acceptable information is not available, the zoning administrator shall determine the elevation by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- (5) District boundary changes. The delineation of any of the floodplain districts may be revised where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual need for such changes. However, prior to any such change, written approval must be obtained from the Federal Insurance Administration and the Montgomery County Zoning Administrator must receive official notification of any such changes. Any such changes must be formally recorded on appropriate maps approved by the FIA and submitted to the zoning administrator.
- (6) Uses permitted by right.

(a) Floodway District.

1. No encroachments including fill, new construction, substantial improvements and other development, unless and until it has been demonstrated to the satisfaction of the zoning administrator through hydrologic and hydraulic analyses that such encroachment would not result in any increase in the one hundred-year flood elevation. Such analyses shall be performed in accordance with standard engineering practice by a professional engineer.
2. The following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinances and provided that they do not require structures, fill, or storage of materials and equipment:
  - a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - b. Public and private recreational uses and activities, such as parks, play areas of a natural, permeable nature, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, trap and skeet game ranges, and hunting and fishing areas;
  - c. Fisheries uses such as fish hatcheries and harvesting;
  - d. Stormwater management improvements associated with uses permitted by right in the overlay district;
  - e. Utility lines, road crossings, private drives and private access easements not resulting in an increase in the water surface elevation of the base flood affecting existing buildings and structures;
  - f. Temporary storage of material or equipment necessary in the construction of uses permitted by right in the overlay district;
  - g. Accessory residential uses, such as yard areas, gardens, play areas and loading areas;
  - h. Accessory industrial and commercial uses, such as yard areas,

parking and loading areas, airport landing strips, etc.

- i. Expansion or enlargement of existing structures and/or uses up to one hundred (100) percent of structure floor area if the effect on flood heights is fully offset by accompanying improvements that are designed by and certified by a professional engineer;
  - j. Modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use to an extent or amount of less than fifty (50) percent of its market value provided that the structure shall be elevated and/or floodproofed to the greatest extent possible.
- (b) Flood-Fringe and Approximated Floodplain Districts. All uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
- (7) Use limitations.
  - (a) Generally. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility. New or replacement dwellings or other structures in floodplain or floodway areas and not provided for in subsection (6)(a)2. must provide an elevation certificate that conclusively demonstrates that the dwelling or structure is at least one (1) foot above the base flood elevation. Interior repairs and renovations to such dwellings and structures are not restricted. Prior to the issuance of any permit, the zoning administrator and building official shall require all applications to demonstrate compliance with all applicable county, state and federal laws or system.
  - (b) [Alteration of floodplain or floodway, or relocation of watercourse.] Alteration of floodplain or floodway, or relocation of watercourse shall not result in increase of off-site water surface elevation or rise in water surface elevation of the base floodplain as defined in the FEMA (flood insurance) study. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the United States Army Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to the county, to all affected adjacent jurisdictions, the division of soil and water conservation (department of conservation and recreation), and the Federal Insurance Administration.

- (c) [Applications for alteration.] Applications for any alteration must be submitted as part of any other land development applications.
- (d) Site plans and permit applications. All applications for development shall incorporate the following information in addition to information normally required for such applications:
  - 1. For structures that have been elevated, the elevation of the lowest floor (including basement);
  - 2. For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed;
  - 3. The elevation of the one hundred-year flood; and
  - 4. Topographic information showing existing and proposed ground elevations.
  - 5. All required information shall be recorded on an elevation certificate or floodproofing certificate approved by the zoning administrator. The certificate shall be completed by a licensed surveyor, licensed engineer, or licensed architect, and shall be recorded with the clerk of circuit court prior to the issuance of an occupancy certificate.
- (e) Mobile homes. All mobile homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code. All such mobile homes must provide an elevation certificate that conclusively demonstrates that the dwelling or structure is at least one (1) foot above the base flood elevation.
- (f) Design criteria for utilities and facilities.
  - 1. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
  - 2. Water facilities. All new or replacement water facilities including distribution line shall be designed to minimize or eliminate infiltration of floodwaters into the systems and be located and constructed to minimize or eliminate flood damages.

3. Drainage facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
  4. Utilities. All utilities, such as gas lines, electrical and telephone systems, being placed in floodprone areas should be located, elevated (where possible [and appropriate]) and constructed to minimize the chance of impairment during a flooding occurrence.
  5. Streets and sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.
- (8) Special variance factors to be considered by board of zoning appeals.
- (a) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the one hundred-year flood elevation.
  2. The danger that materials may be swept onto other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  12. Such other factors which are relevant to the purposes of this article.
- (b) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.
  - (c) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (1) unacceptable or prohibited increases in flood heights; (2) additional threats to public safety; (3) extraordinary public expense; and will not (4) create nuisances; (5) cause fraud on or victimization of the public; or (6) conflict with local laws or ordinances.
  - (d) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
  - (e) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

The vote on the foregoing ordinance was as follows:

AYE

NAY

ABSENT

Gary D. Creed None  
John A. Muffo  
C.P. Shorter  
Mary W. Biggs  
Annette S. Perkins

James D. Politis  
Larry N. Rush

**An Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41 - TABLED**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41 of the Code of the County of Montgomery by Changing the Definition of Accessory Structures, Eliminating Certain Use Limitations in A-1 and C-1 Districts and by Deleting the Supplemental Regulations Pertaining to Wayside Stands is hereby **TABLED** to the Board of Supervisors June 23, 2003 meeting in order to allow the Board additional time to review the proposed amendments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	John A. Muffo	James D. Politis
C.P. Shorter		Larry N. Rush
Mary W. Biggs		
Annette S. Perkins		

**An Ordinance Amending Chapter 10 Entitled Zoning, Section 10-61 - TABLED**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Ordinance Amending Chapter 10, Entitled Zoning, Section 10-61 of the Code of the County of Montgomery by Changing the Definitions for Automobile Graveyard; Garage; Private Home Occupation; Inoperative Motor Vehicle; Roadside Stand and Wayside Stand is hereby **TABLED** to the Board of

Supervisors June 23, 2003 meeting in order to allow the Board additional time to review the proposed amendments.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	John A. Muffo	James D. Politis
Mary W. Biggs		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		

### **NEW BUSINESS**

#### **Amendment to the Capital Improvement Program (CIP) - FY 2002-2003/2003-2007**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Capital Improvement Program (CIP) plan has been developed for a 5-Year period, FY 2002-2003 through FY 2006-2007; and

WHEREAS, This 5-Year CIP was previously reviewed by the Planning Commission; and

WHEREAS, The Board of Supervisors adopted a resolution dated October 14, 2002 deferring the Capital Improvement Program request process for Fiscal Year 2004, continuing the existing projects within the plan; and

WHEREAS, The Fire & Rescue Task Force reviewed the equipment purchases and recommended an amendment for Fiscal Year 2004 projects to defer an ambulance replacement for the Christiansburg Rescue Squad from FY 04 to FY 05 and accelerate the purchase of an ambulance for the Blacksburg Rescue Squad from FY 05 to FY 04; and

WHEREAS, The Courthouse Renovation Project and E-government Project will not need the funding in FY 04 as planned.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the CIP Plan, as amended, for Fiscal Years 2003-2004 for planning purposes which include the following projects:

GIS	\$110,900
Blacksburg Fire Department	\$ 45,000
Blacksburg Rescue Squad	\$205,000
Christiansburg Fire Department	\$350,000
Longshop McCoy Fire Department	\$ 45,000

FURTHER, BE IT RESOLVED, The FY 2003-2004 Capital Projects and the FY 2003-2004 Capital Budget in the amount of \$755,900 is approved for funding from Fund Balance resources.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Mary W. Biggs		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

#### **Amendment to the Office on Youth Advisory Board By-Laws**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the amendments to the Montgomery County Office on Youth By-Laws.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Gary D. Creed		Larry N. Rush
John A. Muffo		
C.P. Shorter		
Annette S. Perkins		

#### **INTRODUCTION - PEPPER'S FERRY REGIONAL WASTEWATER TREATMENT AUTHORITY (PFRWTA) EXECUTIVE DIRECTOR**

Vice-Chair Annette Perkins introduced Charlie Maus, Executive Director for the Pepper's Ferry Regional Wastewater Treatment Authority ( PFRWTA). Vice-Chair Perkins reported that Mr. Maus has retired

and wished him well in the future.

Mr. Maus thanked the Board for allowing him time to introduce the new PFRWTA's Executive Director, Mr. Clarke Wallcraft. Mr. Wallcraft will begin as the new Executive Director on June 2, 2003. Mr. Maus expressed his appreciation to the Board of Supervisors for all they have done during his time of service as the Executive Director.

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

#### **1. Tax Consultant's Update - Treasurer & Commissioner of Revenue**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Mary W. Biggs		
Annette S. Perkins		

Nancy Blankenbaker, Consulting Manager with Robinson, Farmer, Cox Associates, presented a progress report on the tax system in the Commissioner of Revenue and Treasurer's offices. Ms. Blankenbaker stated that the Treasurer's office has been her top priority over the last year. They have most of the bugs worked out with the MUNIS system and are operating on a daily basis as they need to be. She is still doing maintenance work with the Treasurer's office but they are self sufficient. Currently, she is working in the Commissioner of Revenue's office. They are reviewing the process in the Commissioner of Revenue's office diligently and most of the bugs should be worked out by the end of the year. Ms. Blankenbaker stated a few issues she is working on with the Commissioner of Revenue's office is getting the employees trained on using the MUNIS system for real estate instead of the CLT system; continue to establish and revise forms in Excel to eliminate the manual processing of the forms; to develop a crosswalk between the Department of Motor Vehicles and MUNIS in order for the download process from DMV

to be readable for personal property; and revising the work done in the Commissioner's office to take full benefit of an automated process. They are still working with MUNIS to generate an accurate dog tag sales report and an accurate decal sales report. Ms. Blankenbaker reported that numerous issues have been resolved and the overall progress report is good.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Mary W. Biggs		
Annette S. Perkins		

### **COUNTY ADMINISTRATOR'S REPORT**

Tour of New Christiansburg Middle School The Montgomery County School Board extended an invitation to the Board of Supervisors and the Town of Christiansburg Town Council to tour the new Christiansburg Middle School on June 17, 2003. The tour will start at 6:00 p.m prior to the School Boards meeting.

Emergency Services Coordinator - Interviews were held on the Emergency Services Coordinator and the field has been narrowed down to four applicants. The four applicants have been invited to the Fire & Rescue Task Force Meeting. A decision will be made soon.

Courthouse Renovations The County Administrator reported that a Request for Proposals (RFP) will have to be issued for the renovation of Building C in the Montgomery County Government Center. A schedule on the time line for renovations of Building C and the Courthouse will be provided to the Board in the near future.

Homeland Security - The Board requested the County Administrator to check into the amount of funds Montgomery County will receive in Homeland Security money.

## **BOARD MEMBERS' REPORTS**

Supervisor Muffo Community Services Board Supervisor Muffo noted that effective June 30, 2003 there will be a vacancy on the Community Services Board. He has been asked by CSB if he would be interested in filling this position due to the Board's recent decision to appoint either a Board member or the County Administrator as a representative. Supervisor Muffo stated he would be willing to serve on the CSB as the Board representative.

Supervisor Creed Riffe Street Supervisor Creed requested that the Riffe Street project be paid out of the VDOT Revenue Sharing money. He proposed transferring monies allocated for culvert repair in his district to the Riffe Street project. The Board, by consensus, agreed to transfer necessary monies from the VDOT Revenue Sharing project in order to proceed with upgrading Riffe Street.

Lafayette Bridge - Supervisor Creed asked if staff received any information from VDOT about the weight reduction on Lafayette Bridge.

Supervisor Biggs Montgomery-Floyd Regional Library Board Then next Library Board meeting is scheduled for June 18, 2003 at the old Meadow Brook Nursing Home. An open house will be held from 5:00 - 7:00 p.m. for those interested in touring the Meadow Brook Nursing Home prior to the Library Board meeting at 7:00 p.m. They will further discuss the possibility of using a portion of the nursing home as the Allegheny Branch Library and community room. Supervisor Biggs encouraged all Board members to attend the open house.

Commerce Park Meeting Supervisor Biggs attended the Commerce Park meeting held June 11, 2003 where they hosted a reception for Senator Bo Trumbo. They expressed appreciation to Senator Trumbo for his years of service on the Senate. Senator Trumbo will not be seeking re-election this year.

Health Insurance - Supervisor Biggs confirmed that a work session is scheduled for June 23, 2003 to discuss the health insurance issue.

Town of Blacksburg - Proposed Land Sales Supervisor Biggs asked if the Board thought about purchasing Ellett Park and other land the Town of Blacksburg is proposing to sell. Supervisor Muffo commented that other areas in the County are in desperate need of recreation parks according to the Parks & Recreation comprehensive plan. These areas need to be considered prior to purchasing recreational parks where the County has already made a presence. Supervisor Biggs requested that the Town of Blacksburg be asked if they might donate the property to the county. This will be added to the County/Town Liaison agenda.

Supervisor Shorter received a call about concerns with the consolidated collection sites. Apparently people are being told they cannot bring large amounts of trash and/or certain type of materials to the collection site. The County Administrator will follow up with General Services.

Mt. Zion Road Supervisor Shorter requested VDOT be contacted about Mt. Zion Road still being flooded. Standing water has been on the road for awhile causing motorists to go around the water on the wrong side of the road.

Supervisor Perkins received a call with concerns about trespassing on the county's property located at Shelor Lane. There has been loud noise and traffic during the night onto the property and trash is left behind. The County Administrator stated he would check into this and request the Sheriff's Department to patrol this area at night.

### **INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Public Officers, Appointees or Employees

#### **1. Personnel**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

### **OUT OF CLOSED MEETING**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		Larry N. Rush
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

C.P. Shorter  
Gary D. Creed  
John A. Muffo  
Mary W. Biggs  
Annette S. Perkins

#### **NAYS**

None

#### **ABSENT DURING VOTE**

James D. Politis

Larry N. Rush

**ABSENT DURING MEETING**

James D. Politis

Larry N. Rush

**OTHER BUSINESS**

**Erosion & Sediment Control Inspector Position - Classification**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the Erosion and Sediment Control Inspector position is classified at Grade 15, Step 3 for a salary of \$28,466 in Montgomery County's FY 2003 salary plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	Larry N. Rush
John A. Muffo		James D. Politis
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		

**Procurement Manager Position - Classification**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Procurement Manager position is classified at Grade 21, Step 14 in Montgomery County's FY 2003 salary plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
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C. P. Shorter	None	Larry N. Rush
John A. Muffo		James D. Politis
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		

### **County Administrator - Announcement of Retirement**

On a motion by C. P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts the letter of resignation dated May 30, 2003 wherein the County Administrator advised the Board of Supervisors of his desire to retire.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	Larry N. Rush
John A. Muffo		James D. Politis
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		

### **ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Thursday, June 12, 2003 at 6:30 p.m.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs None

C.P. Shorter

John A. Muffo

Gary D. Creed

Annette S. Perkins

NAY

James D. Politis

Larry N. Rush

ABSENT

The meeting adjourned at 10:00 p.m.